

BEFORE THE  
STATE COMMITTEE FOR SOCIAL WORKERS  
STATE OF MISSOURI

STATE COMMITTEE FOR SOCIAL WORKERS,	)	
	)	
Petitioner,	)	
	)	
v	)	No. 03-0038PV
	)	
MICHAEL L. RICE,	)	
	)	
Respondent.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER

Statement of the Case

This matter appears before the State Committee for Social Workers ("Committee") pursuant to a Complaint alleging violation of the terms of a disciplinary agreement Pursuant to a Notice of Hearing issued by the Committee, a hearing was held on April 19, 2005 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. The Board was represented by William Roberts, Assistant Attorney General. Respondent was not present at the hearing and was not represented by counsel.

Findings of Fact

i. The Committee is an agency of the state of Missouri created and established pursuant to §337.622, RSMo 2000, for the purpose of executing and enforcing the provisions of §§ 337.600 through 337.639, RSMo.

2. The Respondent, Michael L. Rice, is licensed by the Committee as a licensed clinical social worker, License No. SW002428. Respondent's license was at all times relevant herein, and is now, current and active.

3. On or about May 5, 2003, the Committee and Respondent entered into a Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers and Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation"). Pursuant to the Joint Stipulation, Respondent's license was suspended for three years. Imposition of the suspension was stayed and Respondent's license was placed on probation for three years. The terms of the probation included in part:

## II. REQUIREMENTS REGARDING CHEMICAL DEPENDENCY EVALUATION AND TREATMENT.

- A. Within 90 days of the effective date of this Joint Stipulation, Respondent shall undergo a thorough evaluation by a licensed or certified chemical dependency professional approved by the Committee. Respondent shall accept and abide by all recommendations for treatment, care and counseling as recommended by this approved provider. The approved provider conducting the evaluation shall forward a complete report of the evaluation to the Committee within ten days of completion of said report.
- B. Pursuant to the Joint Stipulation, Respondent is required to submit to care, counseling, and/or treatment, as recommended by the approved provider, and to abide by any and all practice restrictions recommended in connection with the approved provider's recommended treatment plan.
- C. Respondent shall follow all recommendations for treatment.

....

- E. Respondent shall direct the designated treating professional to provide the Committee with follow-up reports on a quarterly basis, . . .

#### IV REQUIREMENTS REGARDING PROBATION AND PAROLE STATUS.

- A Respondent shall cause a letter from his probation or parole officer to be submitted to the Committee within six weeks of the effective date of this Order

- F. If Respondent's probation is unsupervised, Respondent shall comply with requirement A through E above by causing a certified copy of the docket sheet indicating Respondent's compliance with the terms of his probation to be sent to the Committee by the clerk of the court

4. Respondent failed to provide documentation from his probation or parole officer, or a copy of the court docket sheet showing compliance with the terms of the Joint Stipulation within six weeks of the effective date of the Joint Stipulation.

5 The Committee did not receive documentation regarding Respondent's probation or parole status until September 22, 2003.

6. To date, Respondent has not sought Committee approval of a chemical dependency professional prior to receiving an evaluation in accordance with the terms of the Joint Stipulation.

7. Respondent failed to undergo an evaluation by a chemical dependency professional within ninety days of the effective date of the Joint Stipulation.

8. The Committee did not receive an evaluation from a chemical dependency professional until March 22, 2004.

9 The evaluation received from the chemical dependency professional on March 22, 2004 indicated that substance abuse treatment was recommended; however, the Committee never received quarterly reports indicating that Respondent obtained treatment or that he was following treatment recommendations

10 Respondent's conduct is in violation of Sections II and IV of the Joint Stipulation.

#### Conclusions of Law

1 The Committee has jurisdiction over this proceeding in that the Complaint presents a case in which the Commission must determine whether a Respondent has violated a condition or conditions of discipline Section 620.153, RSMo 2000 *Mendelsohn v. State Bd. of Registration for the Healing Arts*, 3 S.W.3d 783 (Mo. banc 1999).

2. Respondent's conduct is in violation of the terms of discipline set forth in the Joint Stipulation.

3 The Joint Stipulation entitles the Committee to take such disciplinary action as the Committee deems appropriate if Respondent fails to comply with the terms of the Joint Stipulation.

4. The findings of fact show cause for this Committee to impose such disciplinary action as this Committee deems appropriate.

### Decision and Order

It is the decision of the State Committee for Social Workers that Respondent has violated the terms of the Joint Stipulation and that Respondent's license is therefore subject to further disciplinary action.

It is hereby the Order of the State Committee for Social Workers that Respondent's license to practice as a licensed clinical social worker in the State of Missouri, License No. SW002428, is hereby SUSPENDED for a period of three (3) years and then placed on PROBATION for a period of five (5) years ("disciplinary period"). The suspension shall begin on the effective date of this Order. Respondent shall return his social work license, wall-hanging certificate, pocket card, and all other indicia of licensure to the Committee immediately. Failure to return the license, wall-hanging certificate, pocket card, and other indicia of licensure shall be a violation of this Order. During Respondent's suspension, Respondent shall not engage in the practice of social work under Chapter 337, RSMo, nor shall Respondent hold himself out in any fashion as being authorized to engage in the practice of social work under Chapter 337, RSMo. After one year of suspension, if Respondent has complied with all of the requirements set forth herein, Respondent may petition the Committee to reduce the period of suspension. The determination of whether Respondent is in compliance with this Order and whether the period of suspension should be reduced are solely within the discretion of the Committee. Following the period of suspension, Respondent's license shall be returned and shall be placed on probation as

provided above. During the disciplinary period, Respondent shall comply with the following terms and conditions.

**I GENERAL REQUIREMENTS**

- A Respondent shall meet with the Committee or its representatives at such times and places as required by the Committee after notification of a required meeting.
- B. Respondent shall keep the Committee apprized of his current home and work addresses and telephone numbers. Respondent shall inform the Committee within ten days of any change of home or work address and home or work telephone number.
- C. Respondent shall comply with all provisions of the Chapter 337, RSMo, pertaining to social workers; all of the regulations of the Committee, and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States
- D. During the disciplinary period, Respondent shall timely renew his license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Respondent's license in a current and active state.

- E During the disciplinary period, Respondent shall accept and comply with unannounced visits from the Committee's representatives to monitor his compliance with the terms and conditions of this Order
- F. Respondent shall notify, within 15 days of the effective date of this Order, all facilities where Respondent practices of Respondent's disciplinary status. Notification shall be in writing and Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.
- G For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Order shall be forwarded to: State Committee for Social Workers, 3605 Missouri Boulevard, P O Box 1335, Jefferson City, Missouri 65102.
- H. This Order does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Respondent not specifically mentioned in this document.

II. REQUIREMENTS REGARDING CHEMICAL DEPENDENCY TREATMENT AND REHABILITATION:

- A. Within 90 days of the effective date of this Order, Respondent shall undergo a thorough evaluation by a qualified chemical dependency provider. Respondent shall show this Order to the treating professional before the

evaluation is performed. Respondent shall accept and abide by all recommendations for treatment, care, and counseling as recommended by the treating professional. The treating professional conducting the evaluation shall forward a complete report of the evaluation to the Committee within ten days of completion of said report. The report shall include a description of all tests performed, test results, findings, diagnoses, prognosis, and recommendations for treatment, including the chemical dependency professional recommended for treatment of Respondent. If the treating professional determines that treatment is not recommended, Respondent shall execute a release so that the Committee can see the evaluation and supporting documents. If treatment is not recommended, Paragraphs C through L do not apply to Respondent.

- B. The chemical dependency provider shall submit evidence to the Committee showing that he or she is licensed.
- C. If treatment is recommended, Respondent shall execute a medical release or other appropriate release that shall remain in effect for the entire period covered by this Order authorizing the Committee to obtain records of Respondent's treatment by the chemical dependency provider. Respondent shall not take any action to cancel this release. Respondent shall take any and all steps necessary to continue the release in effect and shall sign a new release when requested.



- D. Pursuant to this Order, Respondent is required to submit to care, counseling, and/or treatment, as recommended by the chemical dependency provider, and to abide by any and all practice restrictions recommended in connection with the chemical dependency provider's recommended treatment plan
- E. Respondent shall follow all recommendations for treatment.
- F. Respondent shall direct the designated treating professional to provide the Committee with follow-up reports on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. The follow-up reports shall detail Respondent's progress with treatment. Respondent's compliance with all treatment recommendations; any subsequent testing or evaluation performed since the last report; and any problems identified since the last reports, diagnoses, and prognosis
- G. If the treatment of Respondent is successfully completed during the disciplinary period, Respondent shall cause the treating professional to submit a letter of evaluation to the Committee stating that Respondent has successfully completed treatment. Such a letter shall include a statement that, to reasonable degree of certainty, the treatment professional has assessed that Respondent is no longer a threat to any patient or client. The letter shall also outline the recommendations and arrangements for appropriate follow-up or

aftercare Respondent shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.

- H. If a 12-step program or other support group attendance is recommended, Respondent shall submit evidence of attendance of the meetings to the Committee on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. The documentation shall include the date, time, and place of the meeting and shall bear a signature or abbreviated signature of another person verifying attendance.
- I. Respondent shall inform any professional preparing a prescription for Respondent of Respondent's chemical dependency diagnosis and history.
- J. During the disciplinary period, Respondent shall abstain completely from the personal use or possession of any controlled substance or other drug for which a prescription is required unless that use of the drug has been prescribed by a person licensed to prescribe such drug and with whom Respondent has a bona fide relationship as a patient. Upon request, Respondent shall execute a medical release authorizing the Committee to access all records pertaining to Respondent's condition, treatment, and prescription maintained by the health care professional that prescribed the controlled substance. The presence of any controlled substance whatsoever in a biological fluid sample for which

Respondent does not hold a valid prescription shall constitute a violation of this Order.

K. During the disciplinary period, Respondent shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of this Order

L. Respondent shall provide the Committee with documentation of any prescription upon request.

### III DRUG SCREENS

During the disciplinary period, Respondent shall, at Respondent's cost, submit to biological fluid testing as required by the Committee Respondent shall, upon demand and without delay, allow the Committee's designated representative to obtain witnessed biological fluid samples and shall cooperate fully and completely with the Committee's designated representative in providing such samples. The presence in a biological fluid sample of alcohol or any controlled substance for which Respondent does not hold a valid prescription shall constitute a violation of this Order.

### IV. REQUIREMENTS REGARDING SUPERVISED PRACTICE

A. Respondent's practice as a clinical social worker during the period of probation shall be supervised by a clinical social worker approved by the State Committee for Social Workers If Respondent fails to secure a supervisor within 20 business days from the start of probation, the Respondent shall cease

practicing clinical social work until a supervisor is secured. Respondent shall be responsible for any payment associated with the supervision.

- B. In the event the approved supervisor becomes unable or decides not to continue serving in his/her capacity as a supervisor or otherwise ceases to serve as a supervisor during the period of probation, then the Respondent shall:
- (1) within three business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, advise the State Committee for Social Workers in writing that Respondent is needing to secure a supervisor and the reasons for such change, and
  - (2) within 20 business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, secure a supervisor pursuant to and in accordance with the terms and conditions set forth in this Joint Stipulation. After 20 business days, the Respondent shall not practice if he or she has not secured a supervisor.
- C. The supervisor shall be vested with administrative authority over all matters affecting the provision of clinical social work services provided by Respondent so that the ultimate responsibility for the welfare of every client is maintained by the supervisor.

D. Respondent's supervisor shall report to the Committee in writing on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. It is Respondent's responsibility to ensure that these reports are provided in a timely manner.

V REQUIREMENTS REGARDING CONTINUING EDUCATION

Respondent shall obtain at least 6 hours of continuing education with emphasis in the area of professional ethics in the practice of social work. The continuing education hours required herein are in addition to the continuing education hours required for licensure renewal by the Committee. The courses must be provided by State Committee of Social Workers approved sponsors and must be approved by the Committee prior to Respondent beginning the program(s). The additional hours of continuing education must be obtained within the first twenty-four months of the effective date of this Order. Respondent shall provide the Committee with proof of attendance from the sponsor of the program no later than thirty (30) days after attending the course. Failure to obtain the required additional continuing education hours and/or submit the required documentation to the Committee will result in a violation of the terms of discipline.

1. Upon the expiration of the disciplinary period, Respondent's license to practice as a licensed clinical social worker shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the Committee determines that Respondent has

violated any term or condition of this Order, the Committee may in its discretion, vacate this Order and impose such further discipline as it shall deem appropriate.


2. No additional discipline shall be imposed by the Committee pursuant to the preceding paragraph of this Order without notice and opportunity for hearing before the Committee as a contested case in accordance with the provisions of Chapter 536, RSMo, as amended. If any alleged violation of this Order occurred during the disciplinary period, the Committee may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held to determine whether a violation occurred and, if so, it may impose further discipline. The Committee retains jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

3. This Order does not bind the Committee or restrict the remedies available to it concerning any future violations by Respondent of the terms and conditions of this Order, Chapter 337, RSMo, as amended, as it pertains to the practice of social work, or the regulations promulgated thereunder.

4. The Committee will maintain this Order as an open record of the Committee as required by Chapters 337, 610 and 620, RSMo, as amended.

SO ORDERED EFFECTIVE THIS 2<sup>nd</sup> day of May, 2005.

STATE COMMITTEE FOR SOCIAL WORKERS

  
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Vanessa Beauchamp  
Executive Director